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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.814 of 2026

N.Dhanapal ... Petitioner

vs.

1. The State of Tamilnadu through,
Superintendent of Police,
Thanjavur District.

2. The Inspector Of Police,
Thanjavur Town South Police Station,
Thanjavur. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to produce the petitioner's younger sister namely Ramavalli, W/o.Chinnaraja, aged 37 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.K.P.Ilakkiya
For Respondents : Mr.D.Venkatesh
Counsel for State of Tamilnadu (Crl.Side)

O R D E R

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

This petition is filed to issue a Writ of Habeas Corpus, to produce the petitioner's younger sister namely Ramavalli, W/o.Chinnaraja, aged 37 years, before this Court and set her at liberty.

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2. Learned counsel for the petitioner would submit that the petitioner's younger sister namely, Ramavalli went missing from 04.01.2026. Despite registration of a case in Crime No.7 of 2026 under the caption "Woman Missing" on the file of the 2nd respondent police station, no action has been taken, thereby the petitioner has approached this Court.

3. Learned counsel for State of Tamilnadu (Crl.Side) would submit that even as per the complaint, the petitioner has alleged that her sister / missing person had misunderstanding with her mother and due to the quarrel, she has gone on her own. Therefore, it is not a case of illegal detention.

4. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the State.

5. From the facts this Court finds that this Habeas Corpus Petition is in respect of person who is simply missing and not under unlawful detention. Unlawful detention is *sine qua non* for issuance of Writ of Habeas Corpus.

6. The Division Bench of this Court in H.C.P.(MD) Nos.793 and 658 of 2025 has relied on the following orders:

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a) Simmi Bai .vs. Shrimaan Police Mahanirishak Mahodaya and others (2025 SCC OnLine MP 893)

b) H.C.P.No.2191 of 2017 (Kalaiarasi vs. State) dated 7.5.2018

c) K.Sukumari vs. The Superintendent of Police (Crl.O.P. (MD) No.19255 of 2016 dated 18.9.2018)

and has held that Habeas Corpus Petition in respect of missing person whose detention is not stated to be unlawful/illegal is not maintainable.

7. In view of the above, this Habeas Corpus Petition stands disposed of with a direction to respondents 1 and 2 to effectively pursue the investigation for tracing the missing person in the present case. Accordingly, the investigating officer shall continue the investigation and take all necessary steps to trace the missing person.

[A.D.J.C., J.] [R.P., J.]
02.07.2026

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur.

3.The Counsel for State of Tamilnadu (Crl.Side)
Madurai Bench of Madras High Court,
Madurai.

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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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ORDER MADE IN
HCP(MD)No.814 of 2026
DATED : 02.07.2026

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